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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,221	10/29/2003	Craig Ogg	61135/P022US/10303187	9619
29053 7590 08/31/2007 FULBRIGHT & JAWORSKI L.L.P 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER WU, RUTAO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/696,221

**Applicant(s)**

OGG, CRAIG

**Examiner**

Rob Wu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. In response filed June 20 2007, the applicant amended claims 9 and 26. No claims have been cancelled and no new claims have been introduced. Claims 1-39 are pending in the current application.

### *Response to Arguments*

2. Applicant's arguments filed June 20 2007 have been fully considered but they are not persuasive.

With regards to claim 1, the applicant alleges that Ogg et al (U.S. Pub No. 2002/0073039, herein referred to as Ogg (039)) does not teach "a controller for monitoring the mail pieces as they are processed by the system," "each of the labels is associated with a particular mail piece" and "an applicator for applying the labels to mail pieces." The Examiner respectfully disagrees. It is stated in the previous office action that "although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, **fully consider the reference in entirety** as potentially teaching all or part of the claimed invention, **as well as the context** of the passage as taught by the prior art or disclosed by the examiner." (emphasis added)

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In the prior art reference Ogg (039) discloses a computer based postage system providing a plurality of interfaces from which a user may print computer-based postage stamps for use with standard first class service as well as other specialty service. [0030] In [0031], Ogg (039) discloses an exemplary user interface preferably includes a window into which the user may enter postage information.... An exemplary postage calculator as shown in FIG. 4, preferably includes a plurality of toggle buttons 106 that allow a user to select the mail class or specialty service for which postage is being printed. In addition, the calculator preferably includes a drop down box that allows a user to select a book rate 108 or the type 110 of mail piece to be sent, such as for example, a letter, flat, box or oversized box.” Ogg (039) continues in [0032]-[0033] to disclose multiple other fields of information, e.g. a weight field, windows for destination and origin zip codes, that users can enter for a mail piece in determining the proper postage value before the postage label is printed. Therefore, Ogg (039) is clear that before a postage label is printed for a mail piece, the associated information regarding that mail piece is entered into a controller (computer based postage system) and monitored by said controller to determine the proper postage value. Furthermore, since information specifically regarding each mail piece, e.g. weight, class of service, destination, is entered into the computer based postage system before a postage label is created, then it is clear that each of the postage labels is associated with a particular mail piece.

With regards to the applicant's argument that Ogg (039) does not teach “an applicator for applying the labels to mail pieces”. The Examiner respectfully disagrees.

Ogg (039) states in [0026] that “once the postage information is printed on an individual label it may be subsequently places on an individual mail piece with a recipient of the users choosing and mailed and processed by the USPS.” From this disclosure it is clear that there an applicator is present in Ogg (039)’s invention, otherwise the printed labels cannot be placed on individual mail pieces. The applicant argues that in [0026] Ogg (039) teaches once the postage is printed on a label, the user may place the postage on a mail piece. The Examiner cannot find where in paragraph [0026] that Ogg (039) states that the user is applying the postage on a mail piece. Nonetheless, if the applicant’s assertion is true, is the user then not “an applicator for applying the labels to mail pieces”?

From the discussion presented above, Ogg (039) teaches or meets each and every element of claim 1. Therefore, Claim 1 stand rejected.

With regards to claim 9, the applicant alleges that Ogg (039) does not teach “receiving information associated with a plurality of mail pieces and printing a plurality of postage indicia on blank labels, wherein each of the postage stamps is associated with a particular one of the plurality of mail pieces. The Examiner respectfully disagrees. From the above discussion of claim 1 and paragraphs [0031]-[0033] of Ogg (039) it is clear that Ogg (039)’s computer based postage system receives information associated with a plurality of mail pieces and printing a plurality of postage indicia on blank labels wherein each of the postage stamps is associated with a particular one of the plurality of mail pieces, since Ogg (039) discloses information specifically regarding each mail piece, e.g. weight, class of service, destination, is entered into the computer based

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postage system before a postage label is created. The applicant may argue that Ogg (039) disclose that the labels may be pre-printed with a serial number, and thus should not be considered as blank. However, in looking at the applicant's own specifications describing the blank labels, it is noted that the applicant states "Blank labels 13 have security measures, such as a preselected image (for example, the flag illustrated in FIGURE 1A), a hologram, special inks, and/or the like, to ensure that authentic and/or authorized labels are used to create postage stamps." [0025] Therefore it can be reasoned that the applicant does not intent to claim blank labels as a label that is completely blank and free from any form of writing or images, rather it is the applicant's intention to claim a blank label as a label that is free from any postage indicia or postage marking. To that purpose Ogg (039) certainly teaches the limitation in claim 9.

From the discussion presented here, Ogg (039) teaches or meets each and every element of newly amended claim 9. Therefore, Claim 9 stand rejected.

With regards to claim 24, the applicant alleges that Ogg (039) does not teach "each of the postage stamps is associated with a particular one of the mail pieces." The Examiner respectfully disagrees. From the above discussions and the fact that Ogg (039) discloses information specifically regarding each mail piece, e.g. weight, class of service, destination, are entered into the computer based postage system before a postage label is created [0031]-[0033], then it is clear that each of the postage labels is associated with a particular mail piece.

From the discussion presented here, Ogg (039) teaches or meets each and every element of claim 24. Therefore, Claim 24 stand rejected.

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With respect to the 35 U.S.C. §103(a) rejection of claims 3, 5, 13, 15-17, 26, 31, 32 and 35, the Applicant asserts that Ogg (039) is not a valid prior art reference under 35 U.S.C. §103. The Applicant goes on and cites section 103(c) of the American Inventor's Protection Act of 1999. While the Examiner appreciates the applicant's knowledge of section 103(c) of the American Inventor's Protection Act of 1999, the Examiner respectfully asks the Applicant to pay close attention to the language of section 103(c). Section 103(c) states:

" (c) Subject matter developed by another person, **which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102** of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." (Emphasis added)

Ogg (039) et al's application in question was filed on October 10, 2001 and was published on June 13, 2002. The Applicant's application was filed on October 29, 2003, which is more than one year later than the published Ogg (039)'s application.

Therefore, Ogg (039) is not available as 35 U.S.C. §102(e) type art, but rather Ogg (039) is available as 35 U.S.C. §102(b) type art. 35 U.S.C. §102(b) states:

(b) the invention was **patented or described in a printed publication** in this or a foreign country or in public use or on sale in this country, **more than one year prior** to the date of application for patent in the United States.

Therefore, Ogg (039) cannot be categorized under section 103(c) of the American Inventor's Protection Act of 1999 and thus is available as prior art under 35 U.S.C. §103. Claims 3, 5, 13, 15-17, 26, 31, 32 and 35 stand rejected.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4, 6-12, 15, 18-25, 27-30, 33-34 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pub No. 2002/0073039 to Ogg et al.

**Referring to claim 1:**

A system for applying postage stamps to mail pieces, comprising:

A controller for monitoring the mail pieces as they are processed by the system, the controller having information about each of the mail pieces; [0030]-[0031]

A postage evidencing system for printing postage indicia on labels to be applied to the mail pieces, wherein each of the labels is associated with a particular mail piece and has a postage indicia that is generated using the information for the particular mail piece; [0031]-[0034] and

An applicator for applying the labels to mail pieces. [0026]

**Referring to claim 2:**

The system of claim 1 wherein the information about each of the mail pieces includes information in the group consisting of:

Recipient address information;

Postal class of the mail piece;

Weight of the mail piece; and

Contents of the mail piece. [0031]



**Referring to claim 4:**

The system of claim 1 wherein the postage evidencing system prints a selected image on the labels in addition to the postage indicia. [0043]

**Referring to claim 6:**

The system of claim 1 wherein blank labels used by the postage evidencing system are provided in a roll having a series of one or more labels. [0035]

**Referring to claim 7:**

The system of claim 1 wherein blank labels used by the postage evidencing system are provided in a sheet having one or more labels thereon. [0035]

**Referring to claim 8:**

The system of claim 1 wherein the blank labels comprise a pre-printed serial number, the pre-printed serial number including a master serial number [0036]; and

Wherein the postage indicia is generated using the master serial number, pre-printed serial number, and a postage request. [0036]

**Referring to claim 9:**

A method for printing postage indicia on labels to create postage stamps, comprising:

Receiving information associated with a plurality of mail pieces that require postage, wherein the information is used to determine the amount of the required postage for each of a plurality of postage indicia to be printed; [0031]-[0034] and

Printing said plurality of postage indicia corresponding to the required postage amounts on blank labels to create postage stamps, wherein each of the postage stamps

is associated with a particular one of the plurality of mail pieces, and wherein at least two of the postage stamps are not identical [0037].

**Referring to claim 10:**

The method of claim 9 further comprising:

Calculating the required postage amount from the information associated with the mail pieces. [0032]

**Referring to claim 11:**

The method of claim 9 wherein the received information associated with the mail pieces comprises a required postage amount. [0031]

**Referring to claim 12:**

The method of claim 9 further comprising:

Printing an image on the blank labels in addition to the postage indicia to create the postage stamps. [0042], [0043]

**Referring to claim 15:**

The method of claim 12 wherein a single image is printed on a plurality of labels; and wherein the plurality of labels are printed with indicia representing at least two different postage amounts.(Fig 6)

**Referring to claim 18:**

The method of claim 12 wherein the blank labels comprise a roll of labels that are printed in series. [0035]

**Referring to claim 19:**

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The method of claim 12 wherein the blank labels comprise a sheet of labels.

[0035]

**Referring to claim 20:**

The method of claim 9 wherein the blank labels comprise a serial number. [0036]

**Referring to claim 21:**

The method of claim 20 further comprising:

Verifying that the serial number is valid. [0039]

**Referring to claim 22:**

The method of claim 20 wherein printed postage indicia includes the serial number. [0036]

**Referring to claim 23:**

The method of claim 9 wherein the printing step comprises:

Receiving label stock having a pre-printed serial number, the pre-printed serial number including a master serial number; [0036]

Generating an indicium using with the master serial number, pre-printed serial number, and required request [0036]; and

Printing the indicium on the label stock. [0036]

**Referring to claim 24:**

A method for creating postage stamps for use on mail pieces, comprising:

Calculating a postage amount due for each of the mail pieces; [0031], [0032]

Printing postage indicia corresponding to the postage amount on blank labels to create postage stamps for use on the mail pieces, wherein each of the postage stamps

is associated with a particular one of the mail pieces, and wherein at least two of the postage stamps are not identical; [0031]-[0036] and

Applying the postage stamps to the associated mail pieces. [0026]

**Referring to claim 25:**

The method of claim 24 further comprising:

Monitoring the quality of the postage stamps to ensure that the proper postage indicia was printed [0040]

**Referring to claim 27:**

The method of claim 24 further comprising:

Monitoring the quality of the mail pieces to ensure that the postage indicia represents a proper postage amount. [0032]

**Referring to claim 28:**

The method of claim 24 wherein the calculating step further comprises:

Determining a destination for a mail piece; (Fig 4)

Calculating the postage amount based upon the destination of the mail piece  
[0031]

**Referring to claim 29:**

The method of claim 24 wherein the calculating step further comprises:

Determining a weight for a mail piece; [0032]

Calculating the postage amount based upon the weight of the mail piece. [0032]

**Referring to claim 30:**

The method of claim 24 further comprising:

Printing an image on the blank labels in addition to the postage indicia.[0042],  
[0043]

**Referring to claim 33:**

The method of claim 24 wherein the blank labels comprise a roll of labels that are  
printed in series. [0035]

**Referring to claim 34:**

The method of claim 24 wherein the blank labels comprise a sheet of labels.  
[0035]

**Referring to claim 36:**

The method of claim 24 wherein the blank labels comprise a serial number.  
[0036]

**Referring to claim 37:**

The method of claim 36 further comprising:  
Verifying that the serial number is valid. [0039]

**Referring to claim 38:**

The method of claim 36 wherein printed postage indicia includes the serial  
number. (Fig 6)

**Referring to claim 39:**

The method of claim 24 wherein the printing step further comprises:  
Receiving label stock having a pre-printed serial number, the pre-printed serial  
number including a master serial number; [0036]

Generating postage indicia using the master serial number, pre-printed serial number, and required request; [0036] and

Printing the postage indicia on the label stock. [0036]

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No. 2002/0073039 to Ogg et al.

**Referring to claim 3:**

Ogg et al does not expressly disclose printing two or more labels for a particular mail piece, the combined postage value of the two or more labels equaling at least the required postage for the mail piece. However, it is well known in the arts that a sender can multiple stamps on a mail piece as long as the value of the multiple stamps add up to be at least the required postage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ogg et al to print multiple postage labels for a mail piece where the combined value of the multiple labels is at least the required postage for the mail piece.

**Referring to claim 26:**

Ogg et al does not expressly disclose monitoring the quality of the mail pieces to ensure that the postage stamps have been properly applied. However, it would have been obvious at the time of the invention to check and make sure that the postage stamps have been properly applied. Ogg et al would be motivated to perform the monitoring to ensure that the labels are applied to prevent labels from falling off during mailing transits.

**Referring to claim 35:**

Ogg et al disclose  
monitoring the progress of mail pieces in a letter processing system [0031]; and  
Creating the postage stamps associated with each of the mail pieces before the mail pieces arrive at a postage stamp applicator [0036]; and

Coordinating the operation of the postage stamp applicator and a postage evidencing system that creates the stamps to ensure that the correct postage stamps are applied to each envelope. [0034]

Ogg et al does not expressly disclose that the letter processing system is a high-speed letter processing system. However it would have been obvious for Ogg et al's letter processing system to be a high-speed processing system. High-speed letter processing systems are well known in the arts, as evident by the disclosure by Katikaneni et al (U.S. Pub No. 2002/0073052) where it is stated that "mailing machines, also well known in the art, are typically employed to automate the handling of the mailpieces as to increase the efficiency of producing large batches of mailpieces. The typical mailing machine may include a variety of different modules or sub-systems

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where each module performs a different task on the mailpiece, such as: singulating (separating the mailpieces one at a time from a stack of mailpieces), weighing, sealing (wetting and closing the glued flap of an envelope), applying evidence of postage, accounting for postage used (performed by the postage meter), feeding roll tape or cut tape strips for printing and stacking finished mailpieces. [0005]

7. Claims 5, 13, 15, 16, 17, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogg et al in view of U.S. Pub No. 2003/0140017 to Patton et al.

**Referring to claim 5:**

Ogg et al disclose that an image or a logo can be printed on the postage label [0042], [0043]. Ogg et al does not expressly disclose that the image is selected based upon a characteristic of the recipient.

Patton et al disclose a method of generating stamps with user selected images, and the images can be based on a characteristic of the recipient. (Fig 12, Cities, Friends) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogg et al to allow images based on a characteristic of the recipient to be printed on the postage label. Ogg et al would be motivated to perform such modification to allow the sender to customize and personalize the stamps.

**Referring to claims 13 and 14, 31 and 32:**

Ogg et al disclose each of the postage stamps are associated with a mail piece that is designated for a particular recipient;(Fig 9 and 10) Ogg et al does not expressly



disclose that the image is selected based upon a characteristic of the recipient, and the characteristics are selected from the group consisting of:

- The recipient's age;
- The recipient's sex;
- The recipient's occupation; and
- The recipient's location.

Patton et al disclose a method of generating stamps with user selected images, and the images can be based on a characteristic of the recipient. (Fig 12, Cities, Friends) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogg et al to allow images based on a characteristic of the recipient to be printed on the postage label. Ogg et al would be motivated to perform such modification to allow the sender to customize and personalize the stamps.

**Referring to claim 16:**

Ogg et al disclose wherein the postage indicia printed on a plurality of labels represent a single postage amount (Fig 9 and 10 and associated text), Ogg et al does not expressly disclose wherein the plurality of labels are printed with varying images.

Patton et al disclose a method of generating stamps with user selected images from a variety of images. (Fig 12) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogg et al to allow printing postage labels with a variety of images. Ogg et al would be motivated to perform such modification to allow the sender to customize and personalize the stamps.

**Referring to claim 17:**

Ogg et al disclose wherein the postage indicia printed on a plurality of labels are printed with varying postage amounts (Fig 9 and 10 and associated text). Ogg et al does not expressly disclose plurality of labels are printed with varying images.

Patton et al disclose a method of generating stamps with user selected images from a variety of images. (Fig 12) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogg et al to allow printing postage labels with a variety of images. Ogg et al would be motivated to perform such modification to allow the sender to customize and personalize the stamps.

***Conclusion***

8. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

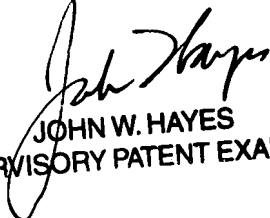
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER